

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FILED  
1/30/24 9:45 am  
CLERK  
U.S. BANKRUPTCY  
COURT - WDPA

IN RE:  
Birch L. Foley and  
Sherrie L. Foley,  
Debtor(s).

CASE NO 19-20098-JAD

Chapter 13

Related to Docs 107, 108, 123, 127,  
and 130

Ronda J. Winnecour, Chapter 13  
Trustee,  
Movant(s),

vs.  
Birch L. Foley and  
Sherrie L. Foley,  
Respondent(s).

**CONSENT ORDER OF COURT ADDRESSING DISPOSITION OF BALANCE OF  
FUNDS ON HAND**

WHEREAS, in accordance with an Order approving a settlement (at Doc 127) and an amended plan dated 3/21/2023 (at Doc 107 and confirmed at Doc 130), Trustee was to receive a lump sum from a settlement to be used to make a distribute to unsecured creditors and to pay allowed Debtor(s) attorney fees (as allowed at Doc 123), and to otherwise complete the case;

WHEREAS, Special Counsel advises the Debtor(s) that there is a delay in the finalizing the settlement because of the need for governmental consents and, therefore, the payment of the lump sum has been delayed;

WHEREAS, the plan has reached plan term end and the parties are uncertain when the lump sum payment will be made;


AND NOW therefore, to enable the case to complete using the balance of funds on hand the parties agree as follows:

1. The \$5,696.93 balance on hand, will be used to make the February 2024 mortgage payment on the long-term continuing debt of Lakeview Loan Servicing (in the amount due of \$913.57), with the remainder of the balance on hand in the amount of \$4,783.36 to be distributed to general unsecured

creditors. Debtor(s) shall resume long term continuing debt payments in March 2024.

2. The settlement approval Order at Doc 127 is hereby modified to provide that the proceeds carveout in the amount of \$14,630.00 that were to have been sent to the Trustee shall, instead, be made payable to, and mailed to, Debtor(s)' attorney, Lawrence W. Willis when the settlement has been finalized. Mr. Willis shall then deduct the balance of his allowed fees from the proceeds, and shall refund to Debtor(s) any surplus. Mr. Willis shall be responsible for ensuring that Special Counsel is aware of this modification and for enforcing, as necessary, this provision.
3. The Debtor(s) final confirmed plan shall be deemed modified to provide that any outstanding fees due Mr. Willis shall survive discharge and shall be paid direct, out of the proceeds of the settlement as discussed above, and not by Trustee through the plan.
4. This Order shall be deemed incorporated into the amended plan dated 3/21/2023.

So Ordered, this 30th day of January, 20 24.

  
\_\_\_\_\_  
U.S. Bankruptcy Judge jsf  
JEFFERY A. DELLER

Consented to:

/s/ Owen W. Katz

Owen W. Katz (PA I.D. #36473)

US Steel Tower, Suite 3250

600 Grant Street

Pittsburgh, PA 15219

(412) 471-5566

[okatz@chapter13trusteewdpa.com](mailto:okatz@chapter13trusteewdpa.com)

**Attorney for Chapter 13 Trustee**

/s/ Lawrence W Willis

Lawrence W Willis, Esquire (PA I.D. #85299)

Willis & Associates

201 Penn Center Blvd

Pittsburgh, PA 15235

Tel: 412.235.1721

[help@westernpabankruptcy.com](mailto:help@westernpabankruptcy.com)

**Attorney for Debtor(s)**

In re:  
Birch L Foley  
Sherrie L Foley  
Debtors

Case No. 19-20098-JAD  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0315-2  
Date Rcvd: Jan 30, 2024

User: auto  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 01, 2024:

Recip ID	Recipient Name and Address
db/jdb	+ Birch L Foley, Sherrie L Foley, 100 Crestview Dr, Butler, PA 16001-3506

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 01, 2024

Signature: /s/Gustava Winters

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 30, 2024 at the address(es) listed below:

Name	Email Address
Alexandra Teresa Garcia	on behalf of Creditor Lakeview Loan Servicing LLC. ecfmail@mwclaw.com, ecfmail@ecf.courtdrive.com
Christopher A. DeNardo	on behalf of Creditor Lakeview Loan Servicing LLC as serviced by Community Loan Servicing, LLC logsecf@logs.com
Denise Carlon	on behalf of Creditor Lakeview Loan Servicing LLC as serviced by Community Loan Servicing, LLC dcarlon@kmlawgroup.com
Denise Carlon	on behalf of Creditor Lakeview Loan Servicing LLC. dcarlon@kmlawgroup.com
Francis Thomas Tarlecki	on behalf of Creditor Lakeview Loan Servicing LLC. ecfmail@ecf.courtdrive.com, ecfmail@mwclaw.com

District/off: 0315-2

User: auto

Page 2 of 2

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Harry W. Greenfield

on behalf of Creditor USX Federal Credit Union hgreenfield@bernsteinlaw.com lyoung@bernsteinlaw.com

Keri P. Ebeck

on behalf of Creditor USX Federal Credit Union kebeck@bernsteinlaw.com  
btemple@bernsteinlaw.com;jdryer@bernsteinlaw.com;kebeck@ecf.courtdrive.com

Lawrence W. Willis

on behalf of Debtor Birch L Foley ecf@westernpabankruptcy.com urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Lawrence W. Willis

on behalf of Joint Debtor Sherrie L Foley ecf@westernpabankruptcy.com  
urfreshstrt@gmail.com;willislr88866@notify.bestcase.com

Marisa Myers Cohen

on behalf of Creditor Lakeview Loan Servicing LLC. ecfmail@mwclaw.com, mcohen@mwclaw.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 13